

House Engrossed

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
Second Regular Session  
2006

CHAPTER 2

## **HOUSE BILL 2145**

AN ACT

AMENDING SECTIONS 11-251.12, 48-261, 48-803 AND 48-805, ARIZONA REVISED  
STATUTES; RELATING TO FIRE DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 11-251.12, Arizona Revised Statutes, is amended to  
3 read:

4 11-251.12. County islands; fire and emergency services  
5 protection; intergovernmental agreement with  
6 adjoining municipalities or private providers;  
7 definition

8 A. ~~By July 1, 2005,~~ A county with a population of more than one  
9 million five hundred thousand persons and that has a county island THAT DOES  
10 NOT FORM A COUNTY ISLAND FIRE DISTRICT AS PRESCRIBED BY SECTION 48-261,  
11 SUBSECTION H shall enter into an intergovernmental agreement with a  
12 municipality or municipalities for fire protection and emergency medical  
13 services in that county island. NOTWITHSTANDING ANY OTHER LAW, A COUNTY IS  
14 LIABLE IF THE COUNTY WAS NEGLIGENT IN ENFORCING BUILDING, ZONING OR OTHER  
15 RELATED CODES IN A COUNTY ISLAND AND A MUNICIPALITY THAT HAS AN  
16 INTERGOVERNMENTAL AGREEMENT TO PROVIDE FIRE AND EMERGENCY MEDICAL SERVICES  
17 PURSUANT TO THIS SECTION IS HINDERED IN RESPONDING TO AN EMERGENCY BECAUSE OF  
18 A BUILDING, ZONING OR OTHER RELATED CODE ISSUE.

19 B. If a municipality elects to provide fire and emergency medical  
20 services in a county island where a private provider of fire or emergency  
21 services already has facilities or provides service, the municipality and the  
22 private provider shall enter into an agreement covering the roles and  
23 relationships regarding mutual aid or backup agreements and any services for  
24 which the municipality wishes to contract and any reimbursement or billing  
25 and collection practices. The agreement shall be executed before the  
26 municipality commences providing service in the county island. No agreement  
27 is required if the private provider notifies the municipality that it will  
28 cease service in the county island within one hundred eighty days after the  
29 date the municipality commences providing service.

30 C. For THE purposes of this article, "county island" means  
31 unincorporated territory that is surrounded on all sides by a municipality or  
32 where the unincorporated territory has borders that involve a combination of  
33 a municipality or municipalities and a- AN INDIAN reservation.

34 Sec. 2. Section 48-261, Arizona Revised Statutes, is amended to read:

35 48-261. District creation; procedures; notice; hearing;  
36 determinations; petitions; definition

37 A. EXCEPT FOR A COUNTY ISLAND FIRE DISTRICT FORMED PURSUANT TO  
38 SUBSECTION H OF THIS SECTION, a fire district, community park maintenance  
39 district, sanitary district or hospital district for either a hospital or an  
40 urgent care center shall be created by the following procedures:

41 1. Any person desiring to propose creation of a district shall prepare  
42 and submit a district impact statement to the board of supervisors of the  
43 county in which the district is to be located. If a proposed district is  
44 located in more than one county, the impact statement shall be submitted to  
45 the board of supervisors of the county in which the majority of the assessed

1 valuation of the proposed district is located. The boards of supervisors of  
2 any other counties in which a portion of the district is to be located shall  
3 provide information and assistance to the responsible board of supervisors.  
4 If the person desiring to create a district pursuant to this section is  
5 unable to complete the district impact statement, the board of supervisors  
6 may assist in the completion of the impact statement if requested to do so,  
7 provided the bond required in subsection C of this section is in an amount  
8 sufficient to cover any additional cost to the county. The district impact  
9 statement shall contain at least the following information:

10 (a) A legal description of the boundaries of the proposed district and  
11 a detailed, accurate map of the area to be included in the district.

12 (b) An estimate of the assessed valuation within the proposed  
13 district.

14 (c) An estimate of the change in the property tax liability, as a  
15 result of the proposed district, of a typical resident of the proposed  
16 district.

17 (d) A list and explanation of benefits that will result from the  
18 proposed district.

19 (e) A list and explanation of the injuries that will result from the  
20 proposed district.

21 (f) The names, addresses and occupations of the proposed members of  
22 the district's organizing board of directors.

23 2. On receipt of the district impact statement, the board of  
24 supervisors shall set a day, not fewer than thirty nor more than sixty days  
25 from that date, for a hearing on the impact statement. The board of  
26 supervisors may, at any time prior to making a determination pursuant to  
27 paragraph 4 of this subsection, MAY require that the impact statement be  
28 amended to include any information that the board of supervisors deems to be  
29 relevant and necessary.

30 3. Upon receipt of the district impact statement, the clerk of the  
31 board of supervisors shall mail, by first class mail, written notice of the  
32 statement, its purpose and notice of the day, hour and place of the hearing  
33 on the proposed district to each owner of taxable property and each qualified  
34 elector within the boundaries of the proposed district. The clerk of the  
35 board of supervisors shall post the notice in at least three conspicuous  
36 public places in the area of the proposed district and shall publish twice in  
37 a daily newspaper of general circulation in the area of the proposed  
38 district, at least ten days before the hearing, or, if no daily newspaper of  
39 general circulation exists in the area of the proposed district, then at  
40 least twice at any time before the date of the hearing, a notice setting  
41 forth the purpose of the impact statement, the description of the area of the  
42 proposed district and the day, hour and place of the hearing.

43 4. At the hearing called pursuant to paragraph 2 of this subsection,  
44 the board of supervisors shall hear those who appear for and against the  
45 proposed district and shall determine whether the creation of the district

1 will promote public health, comfort, convenience, necessity or welfare. If  
2 the board of supervisors determines that the public health, comfort,  
3 convenience, necessity or welfare will be promoted, it shall approve the  
4 district impact statement and authorize the persons proposing the district to  
5 circulate petitions as provided in this subsection. The order of the board  
6 of supervisors shall be final, but if the request to circulate petitions is  
7 denied, a subsequent request for a similar district may be refiled with the  
8 board of supervisors after six months from the date of such denial.

9 5. Within fifteen days after receiving the approval of the board of  
10 supervisors as prescribed by paragraph 4 of this subsection, the clerk of the  
11 board shall determine the minimum number of signatures required for  
12 compliance with paragraph 7, subdivision (d) of this subsection. After  
13 making that determination, that number of signatures shall remain fixed,  
14 notwithstanding any subsequent changes in voter registration records.

15 6. After receiving the approval of the board of supervisors as  
16 provided in paragraph 4 of this subsection, the person proposing the district  
17 may circulate and present petitions to the board of supervisors of the county  
18 in which the district is located. All petitions circulated shall be returned  
19 to the board of supervisors within one year from the date of the approval of  
20 the board of supervisors pursuant to paragraph 4 of this subsection. Any  
21 petition that is returned more than one year from that date is void.

22 7. The petitions presented pursuant to paragraph 6 of this subsection  
23 shall comply with the provisions regarding petition form in section 48-265  
24 and verification in section 48-266 and shall:

25 (a) At all times, contain a legal description of the boundaries of the  
26 proposed district and a detailed, accurate map of the proposed district and  
27 the names, addresses and occupations of the proposed members of the  
28 district's organizing board of directors. No alteration of the proposed  
29 district shall be made after receiving the approval of the board of  
30 supervisors as provided in paragraph 4 of this subsection.

31 (b) If a petition of property owners, be signed by more than one-half  
32 of the property owners in the area of the proposed district.

33 (c) If a petition of property owners, be signed by persons owning  
34 collectively more than one-half of the assessed valuation of the property in  
35 the area of the proposed district.

36 (d) If a petition of qualified electors, be signed by more than  
37 one-half of the qualified electors within the boundaries of the proposed  
38 district.

39 8. On receipt of the petitions, the board of supervisors shall set a  
40 day, not fewer than ten nor more than thirty days from that date, for a  
41 hearing on the petition.

42 9. Prior to the hearing called pursuant to paragraph 8 of this  
43 subsection, the board of supervisors shall determine the validity of the  
44 petitions presented.

1        10. At the hearing called pursuant to paragraph 8 of this subsection,  
2 the board of supervisors, if the petitions are valid, shall order the  
3 creation of the district. The board of supervisors shall enter its order  
4 setting forth its determination in the minutes of the meeting, not later than  
5 ten days from the day of the hearing, and a copy of the order shall be filed  
6 in the county recorder's office. The order of the board of supervisors shall  
7 be final, and the proposed district shall be created thirty days after the  
8 board of supervisors votes to create the district. A decision of the board  
9 of supervisors under this subsection is subject to judicial review under  
10 title 12, chapter 7, article 6.

11        B. For the purpose of determining the validity of the petitions  
12 presented pursuant to subsection A, paragraph 6 of this section:

13        1. Qualified electors shall be those persons qualified to vote  
14 pursuant to title 16.

15        2. For the purposes of fulfilling the requirements of subsection A,  
16 paragraph 7, subdivisions (b) and (c) of this section, property held in  
17 multiple ownership shall be treated as if it had only one property owner, so  
18 that the signature of only one of the owners of property held in multiple  
19 ownership is required on the formation petition.

20        3. The value of property shall be determined as follows:

21        (a) In the case of property assessed by the county assessor, values  
22 shall be the same as those shown on the last assessment roll of the county  
23 containing such property.

24        (b) In the case of property valued by the department of revenue, the  
25 values shall be those determined by the department in the manner provided by  
26 law, for municipal assessment purposes. The county assessor and the  
27 department of revenue, respectively, shall furnish to the board of  
28 supervisors, within twenty days after such a request, a statement in writing  
29 showing the owner, the address of each owner and the appraisal or assessment  
30 value of properties contained within the boundaries of the proposed district  
31 as described in subsection A of this section.

32        C. The board of supervisors may require of the person desiring to  
33 propose creation of a district pursuant to subsection A, paragraph 1 of this  
34 section a reasonable bond to be filed with the board at the start of  
35 proceedings under this section. The bond shall be in an amount sufficient to  
36 cover costs incurred by the county if the district is not finally organized.  
37 County costs covered by the bond include any expense incurred from completion  
38 of the district impact statement, mailing of the notice of hearing to  
39 district property owners and electors, publication of the notice of hearing  
40 and other expenses reasonably incurred as a result of any requirements of  
41 this section. The requirements of this subsection do not apply to proposed  
42 districts having fewer than one hundred qualified electors.

43        D. If a district is created pursuant to this section, the cost of  
44 publication of the notice of hearing, the mailing of notices to electors and

1 property owners and all other costs incurred by the county as a result of the  
2 provisions of this section shall be a charge against the district.

3 E. If a proposed district would include property located within an  
4 incorporated city or town, in addition to the other requirements of  
5 subsection A of this section, the board shall approve the creation and  
6 authorize the circulation of petitions only if the governing body of the city  
7 or town has by ordinance or resolution endorsed such creation.

8 F. Except as provided in section 48-2001, subsection A, the area of a  
9 district created pursuant to this section shall be contiguous.

10 G. A district organized pursuant to this section shall have an  
11 organizing board of directors to administer the affairs of the district until  
12 a duly constituted board of directors is elected as provided in this title.  
13 The organizing board shall have all the powers, duties and responsibilities  
14 of an elected board. The organizing board shall consist of the three  
15 individuals named in the district impact statement and the petitions  
16 presented pursuant to subsection A of this section. If a vacancy occurs on  
17 the organizing board, the remaining board members shall fill the vacancy by  
18 appointing an interim member. Members of the organizing board shall serve  
19 without compensation but may be reimbursed for actual expenses incurred in  
20 performing their duties. The organizing board shall elect from its members a  
21 chairman and a clerk.

22 H. FOR A COUNTY ISLAND FIRE DISTRICT ONLY, ANY PERSON MAY PETITION THE  
23 BOARD OF SUPERVISORS FOR THE COUNTY IN WHICH THE COUNTY ISLAND FIRE DISTRICT  
24 IS PROPOSED TO BE LOCATED. THE PETITIONS SHALL COMPLY WITH SECTION 48-265  
25 REGARDING PETITION FORM AND SHALL BE VERIFIED AS PRESCRIBED IN SECTION  
26 48-266. IF THE PETITIONS SUBMITTED ARE VERIFIED AS HAVING THE SIGNATURES OF  
27 MORE THAN ONE-HALF OF THE AGGREGATE NUMBER OF OWNERS OF ALL OF THE REAL  
28 PROPERTY LOCATED IN THE COUNTY ISLANDS IN THE PROPOSED DISTRICT AS PRESCRIBED  
29 BY SECTION 48-805, SUBSECTION E, PARAGRAPH 1, AFTER A HEARING, THE BOARD OF  
30 SUPERVISORS MAY CERTIFY THE ESTABLISHMENT OF THE COUNTY ISLAND FIRE DISTRICT.  
31 THE COUNTY ISLAND FIRE DISTRICT SHALL BE GOVERNED BY A FIVE MEMBER ELECTED  
32 DISTRICT BOARD PURSUANT TO SECTION 48-803, BUT SHALL BE GOVERNED INITIALLY BY  
33 A BOARD APPOINTED BY THE COUNTY BOARD OF SUPERVISORS FROM AMONG QUALIFIED  
34 ELECTORS OF THE COUNTY. ON FORMATION OF THE DISTRICT, THE SURROUNDING CITY OR  
35 TOWN SHALL PROVIDE FIRE PROTECTION SERVICES AND EMERGENCY MEDICAL SERVICES TO  
36 THE DISTRICT. THE INITIAL APPOINTED BOARD SHALL SCHEDULE AN ELECTION TO BE  
37 HELD ON THE NEXT CONSOLIDATED ELECTION DATE AS PRESCRIBED BY SECTION 16-204.  
38 THAT ELECTION SHALL BE HELD AS OTHERWISE PROVIDED BY LAW. THE COUNTY ISLAND  
39 FIRE DISTRICT BOARD SHALL ALSO NOTIFY THE COUNTY BOARD OF SUPERVISORS OF THE  
40 COST OF PROVIDING FIRE PROTECTION SERVICES AND EMERGENCY MEDICAL SERVICES FOR  
41 EACH HOUSEHOLD OR OTHER STRUCTURE IN THE DISTRICT.

42 H- I. For the purposes of this section:

43 1. Assessed valuation does not include the assessed valuation of  
44 property that is owned by a county.

1           2. Property owner does not include a county AND IN THE CASE OF  
2 MULTIPLE OWNERSHIP OF A SINGLE PARCEL OF PROPERTY, ANY ONE PROPERTY OWNER  
3 CONSTITUTES THE ENTIRE OWNERSHIP INTEREST.

4           J. FOR THE PURPOSES OF THIS SECTION, "COUNTY ISLAND FIRE DISTRICT"  
5 MEANS A FIRE DISTRICT THAT IS FORMED OR PROPOSED TO BE FORMED ONLY IN THOSE  
6 UNINCORPORATED AREAS OF A SINGLE COUNTY THAT ARE SURROUNDED BY A SINGLE CITY  
7 OR TOWN OR THAT ARE SURROUNDED BY A SINGLE CITY OR TOWN IN COMBINATION WITH  
8 OTHER PUBLICLY OWNED OR SOVEREIGN LAND, AND IN WHICH THE EXISTING PRIVATE  
9 FIRE SERVICE PROVIDER HAS ISSUED A NOTICE TO THE RESIDENTS OF THE COUNTY  
10 ISLAND THAT IT PLANS TO DISCONTINUE OR SUBSTANTIALLY REDUCE SERVICE.

11           Sec. 3. Section 48-803, Arizona Revised Statutes, is amended to read:

12           48-803. District administered by a district board

13           A. In a district which the board of supervisors estimates has a  
14 population of fewer than four thousand inhabitants, the district board may  
15 consist of three or five members. In a district which the board of  
16 supervisors estimates has a population of four thousand or more inhabitants,  
17 the district board shall consist of five members, AND FOR A COUNTY ISLAND  
18 FIRE DISTRICT FORMED PURSUANT TO SECTION 48-261, SUBSECTION H, THE BOARD  
19 SHALL CONSIST OF FIVE MEMBERS. The estimate of population by the board of  
20 supervisors is conclusive and shall be based on available census information,  
21 school attendance statistics, election or voter registration statistics,  
22 estimates provided by state agencies or the county assessor, or other  
23 information as deemed appropriate by the board of supervisors. If the board  
24 of supervisors determines, at any time prior to one hundred twenty days  
25 before the next regular scheduled election for members of a district board,  
26 that the population of a fire district administered by a district board  
27 consisting of three members exceeds four thousand inhabitants, estimated as  
28 provided in this section, the board of supervisors shall order an increase in  
29 the number of members of the district board. The increase is effective for  
30 the election of two additional members at the next regular election of  
31 members of the district board.

32           B. If a vacancy occurs on the district board other than from  
33 expiration of a term, the remaining board members shall fill the vacancy by  
34 appointment of an interim member. If the entire board resigns or for any  
35 reason cannot fulfill its duties, the board of supervisors shall appoint an  
36 administrator to administer the district with the same duties and obligations  
37 of the elected board. If the board of supervisors fails to appoint an  
38 administrator within thirty days, a special election shall be held to fill  
39 the vacancies on the fire district board.

40           C. Members of the district board shall serve without compensation, but  
41 may be reimbursed for actual expenses incurred in performing duties required  
42 by law.

43           D. EXCEPT FOR A COUNTY ISLAND FIRE DISTRICT FORMED PURSUANT TO SECTION  
44 48-261, SUBSECTION H, the board shall appoint or hire a fire chief.

45           E. The board shall elect from its members a chairman and a clerk.

1 F. Of the members first elected to boards consisting of three members,  
2 the two people receiving the first and second highest number of votes shall  
3 be elected to four-year terms, and the person receiving the third highest  
4 number of votes shall be elected to a two-year term. Of the members first  
5 elected to boards consisting of five members, the three people receiving the  
6 first, second and third highest number of votes shall be elected to four-year  
7 terms, and the two people receiving the fourth and fifth highest number of  
8 votes shall be elected to two-year terms. Thereafter, the term of office of  
9 each board member shall be four years from the first day of the month next  
10 following such member's election.

11 Sec. 4. Section 48-805, Arizona Revised Statutes, is amended to read:  
12 48-805. Fire district: powers and duties

13 A. A fire district, through its board or elected chief and  
14 secretary-treasurer, shall:

15 1. Hold public meetings at least once each calendar month.

16 2. Prepare an annual budget containing detailed estimated expenditures  
17 for each fiscal year which shall clearly show salaries payable to employees  
18 of the district, including the elected or appointed chief. The budget shall  
19 be posted in three public places and published in a newspaper of general  
20 circulation in the district thirty days prior to a public hearing at a  
21 meeting called by the board or elected chief to adopt the budget. Copies of  
22 the budget shall also be available to members of the public upon written  
23 request to the district. Following the public hearing, the district board or  
24 elected chief and secretary-treasurer shall adopt a budget.

25 3. Determine the compensation payable to district personnel.

26 4. Require probationary employees in a paid sworn firefighter  
27 position, a reserve firefighter position or a volunteer firefighter position  
28 to submit a full set of fingerprints to the fire district. The fire district  
29 shall submit the fingerprints to the department of public safety for the  
30 purpose of obtaining a state and federal criminal records check pursuant to  
31 section 41-1750 and Public Law 92-544. The department of public safety may  
32 exchange this fingerprint data with the federal bureau of investigation.

33 B. A fire district, through its board or elected fire chief and  
34 secretary-treasurer, may:

35 1. Employ any personnel and provide services deemed necessary for fire  
36 protection, for preservation of life and for carrying out its other powers  
37 and duties, including providing ambulance transportation services when  
38 authorized to do so pursuant to title 36, chapter 21.1, article 2, but a  
39 member of a district board shall not be an employee of the district.

40 2. Construct, purchase, lease, lease-purchase or otherwise acquire the  
41 following or any interest therein and, in connection with such construction  
42 or other acquisition, purchase, lease, lease-purchase or grant a lien on any  
43 or all of its present or future property, including:

44 (a) Apparatus, water and rescue equipment, including ambulances and  
45 equipment related to any of the foregoing.

1 (b) Land and buildings with equipment and furnishings to house  
2 equipment and personnel necessary for fire protection and preservation of  
3 life.

4 3. Finance the acquisition of property as provided in this section and  
5 costs incurred in connection with the issuance of bonds as provided in  
6 section 48-806. Bonds shall not be issued without the consent of a majority  
7 of the electors of the district voting at an election held for that purpose.  
8 For the purposes of an election held under this paragraph, all persons who  
9 are eligible to vote in fire district elections under section 48-802 are  
10 eligible to vote.

11 4. Assist the state fire marshal in the enforcement of fire protection  
12 standards of this state within the fire district, including enforcement of a  
13 nationally recognized fire code when expressly authorized by the state fire  
14 marshal.

15 5. After the approval of the qualified electors of the fire district  
16 voting at a regular district election or at a special election called for  
17 such purpose by the district board or the elected chief and  
18 secretary-treasurer, as appropriate, or at any election held in the county  
19 which encompasses the fire district, adopt the \_\_\_\_\_ fire code, which is  
20 a nationally recognized fire code approved by the state fire marshal. The  
21 words appearing upon the ballots shall be "Should \_\_\_\_\_ fire  
22 district adopt the \_\_\_\_\_ fire code, which is a nationally recognized  
23 fire code approved by the state fire marshal--yes", "Should \_\_\_\_\_  
24 fire district adopt the \_\_\_\_\_ fire code, which is a nationally  
25 recognized fire code approved by the state fire marshal--no". Such code  
26 shall be enforced by the county attorney in the same manner as any other law  
27 or ordinance of the county. Any inspection or enforcement costs are the  
28 responsibility of the fire district involved. The district shall keep on  
29 file such code which shall be open to public inspection for a period of  
30 thirty days prior to any election for the purpose of adopting a fire code.

31 6. Amend or revise the adopted fire code with the approval of the  
32 state fire marshal and after a hearing held pursuant to posted and published  
33 notice as prescribed by subsection A, paragraph 2 of this section. The  
34 district shall keep three copies of the adopted code, amendments and  
35 revisions on file for public inspection.

36 7. Enter into an agreement procuring the services of an organized  
37 private fire protection company or a fire department of a neighboring city,  
38 town, district or settlement without impairing the powers granted to it.

39 8. Contract with a city or town for fire protection services for all  
40 or part of the city or town area until the city or town elects to provide  
41 regular fire department services to the area.

42 9. Retain a certified public accountant to perform an annual audit of  
43 district books.

1       10. Retain private legal counsel.

2       11. Accept gifts, contributions, bequests and grants and comply with  
3 any requirements of such gifts, contributions, bequests and grants not  
4 inconsistent with this article.

5       12. Enter into contracts and execute any agreements or instruments and  
6 do any other act necessary or appropriate to carry out its purposes.

7       13. Appropriate and expend annually such monies as are necessary for  
8 the purpose of fire districts belonging to and paying dues in the Arizona  
9 fire district association.

10       14. Adopt resolutions establishing fee schedules for providing fire  
11 protection services and services for the preservation of life, including  
12 emergency fire and emergency medical services, plan reviews, standby charges,  
13 fire cause determination, users' fees, facilities benefit assessments or any  
14 other fee schedule that may be required.

15       15. After the approval of the qualified electors of the fire district  
16 voting at a regular district election or at a special election called for  
17 such purpose by the board of supervisors or at any election held in the  
18 county which encompasses the fire district, change its name.

19       C. The chairman and clerk of the district board or their respective  
20 designees or the elected chief and secretary-treasurer, as applicable, shall  
21 draw warrants on the county treasurer for money required to operate the  
22 district in accordance with the budget and, as so drawn, the warrants shall  
23 be sufficient to authorize the county treasurer to pay from the fire district  
24 fund.

25       D. The district shall not incur any debt or liability in excess of  
26 taxes levied and to be collected and the money actually available and  
27 unencumbered at the time in the fund, except as provided in subsection B,  
28 paragraph 2 of this section and in sections 48-806 and 48-807.

29       E. FOR A COUNTY ISLAND FIRE DISTRICT FORMED PURSUANT TO SECTION  
30 48-261, SUBSECTION H, THE FOLLOWING APPLY:

31       1. THE DISTRICT MAY BE FORMED ONLY IN COUNTY ISLANDS THAT ARE LOCATED  
32 IN AN AREA THAT IS WITHIN THE 911 SERVICE PROVIDER DISTRICT IN WHICH THE  
33 LARGEST CITY HAS A POPULATION OF MORE THAN THREE HUNDRED NINETY-FIVE THOUSAND  
34 PERSONS BUT LESS THAN FIVE HUNDRED THOUSAND PERSONS AND THAT IS LOCATED  
35 WITHIN THE MUNICIPAL PLANNING AREA OF A TOWN WITH A POPULATION OF ONE HUNDRED  
36 THOUSAND OR MORE PERSONS AS DESIGNATED IN THE LAND USE MAP OF THE  
37 MUNICIPALITY'S GENERAL PLAN. THE DISTRICT MAY ONLY BE FORMED IF THE DISTRICT  
38 CONTAINS ALL OF THE COUNTY ISLANDS THAT ARE PRESCRIBED IN THIS PARAGRAPH AND  
39 AFTER COMPLIANCE WITH THE PETITION REQUIREMENTS PRESCRIBED BY SECTION 48-261,  
40 SUBSECTION H.

41       2. THE DISTRICT IS AUTHORIZED ONLY TO RECEIVE FIRE PROTECTION SERVICES  
42 AND EMERGENCY MEDICAL SERVICES FROM THE ADJACENT CITY OR TOWN GOVERNMENT OR  
43 SOME OTHER PROVIDER OF FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES. A  
44 COUNTY ISLAND FIRE DISTRICT HAS NO AUTHORITY TO PROVIDE FIRE PROTECTION  
45 SERVICES OR EMERGENCY MEDICAL SERVICES BY ANY METHOD OTHER THAN AS PRESCRIBED

1 BY THIS SUBSECTION. THE CITY OR TOWN SHALL CHARGE A REASONABLE RATE TO THE  
2 COUNTY ISLAND FIRE DISTRICT TO RECOVER THE COSTS OF THE SERVICE AND THE  
3 DISTRICT BOARD MAY ASSESS AND LEVY A SECONDARY PROPERTY TAX PURSUANT TO THIS  
4 ARTICLE TO PAY FOR THE COSTS OF THE SERVICE. THE AMOUNT CHARGED BY THE CITY  
5 OR TOWN IS LIMITED AS FOLLOWS:

6 (a) FOR EACH RESIDENCE OR COMMERCIAL BUILDING, AN AMOUNT TO BUY INTO  
7 SERVICE FROM THE CITY OR TOWN. THE AMOUNT CHARGEABLE PURSUANT TO THIS  
8 PARAGRAPH IS LIMITED TO THE PORTION OF ANY NEW HOME IMPACT FEE BEING CHARGED  
9 BY THAT CITY OR TOWN THAT IS DESIGNATED FOR FIRE PROTECTION, AND THAT AMOUNT  
10 SHALL BE DEFERRED AND PAYABLE OVER A THREE YEAR PERIOD.

11 (b) IF ADDITIONAL INFRASTRUCTURE IS REASONABLY NECESSARY TO PROVIDE  
12 SERVICE TO THE COUNTY ISLAND FIRE DISTRICT, THE CITY OR TOWN MAY CHARGE A FEE  
13 OF UP TO SEVENTY-FIVE DOLLARS PER YEAR FOR EACH HOUSEHOLD OR OTHER STRUCTURE  
14 FOR UP TO FIVE YEARS.

15 (c) AN OPERATION AND MAINTENANCE CHARGE THAT IS DETERMINED BY  
16 CALCULATING THE ANNUAL OPERATION AND MAINTENANCE CHARGE FOR THE CITY OR TOWN  
17 AND DIVIDING THAT AMOUNT BY THE SUM OF THE NUMBER OF HOUSEHOLDS AND  
18 COMMERCIAL BUILDINGS LOCATED IN THE CITY OR TOWN AND THE NUMBER OF HOUSEHOLDS  
19 AND COMMERCIAL BUILDINGS LOCATED IN THE COUNTY ISLAND FIRE DISTRICT.

20 (d) ADMINISTRATIVE COSTS OF UP TO FIVE PER CENT OF THE ANNUAL  
21 OPERATING AND MAINTENANCE COSTS PER YEAR BUT NOT MORE THAN TWENTY-FIVE  
22 DOLLARS PER HOUSEHOLD OR COMMERCIAL BUILDING PER YEAR.

23 3. WITHIN TEN BUSINESS DAYS AFTER THE APPOINTMENT OF THE BOARD OF  
24 DIRECTORS FOR THE DISTRICT, THE DISTRICT SHALL ISSUE A REQUEST FOR PROPOSALS  
25 FOR PROVIDERS OF FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES FOR THE  
26 COUNTY ISLAND FIRE DISTRICT. NOTWITHSTANDING ANY OTHER LAW, THE REQUEST FOR  
27 PROPOSALS IS DEEMED A LAWFUL PROCUREMENT IF THE DISTRICT PROVIDES FOR  
28 EXPEDITED PUBLIC NOTICE OF THE REQUEST FOR PROPOSALS, THE DUE DATE AND THE  
29 TERMS OF THE REQUEST FOR PROPOSALS. IF THERE ARE NO RESPONSIVE AND QUALIFIED  
30 BIDDERS ON THE REQUEST FOR PROPOSALS OR IF THE SERVICE PROVIDER WITHDRAWS  
31 FROM ITS CONTRACT, THE FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES SHALL  
32 BE PROVIDED BY THE ADJACENT CITY OR TOWN. THE REQUEST FOR PROPOSALS SHALL  
33 PROVIDE THAT THE SERVICE PROVIDER SHALL BE PAID NOT MORE THAN THE MONIES  
34 PRESCRIBED BY THIS SUBSECTION AND SHALL ALSO PROVIDE FOR A MAXIMUM OF THIRTY  
35 DAYS FOR THE RECEIPT OF PROPOSALS FROM SERVICE PROVIDERS. THE REQUEST FOR  
36 PROPOSALS SHALL INCLUDE THE FOLLOWING PROVISIONS:

37 (a) A SUCCESSFUL BIDDER SHALL POST A TEN MILLION DOLLAR PERFORMANCE  
38 BOND, WHICH SHALL BE FORFEITED IF THE SUCCESSFUL BIDDER DOES NOT FULLY  
39 PERFORM THE CONTRACT OR TERMINATES THE CONTRACT WITH LESS THAN ONE YEAR'S  
40 NOTICE.

41 (b) THE PERFORMANCE STANDARDS FOR FIRE PROTECTION AND EMERGENCY  
42 SERVICES SHALL CONFORM TO THOSE OF SURROUNDING MUNICIPALITIES.

43 (c) ANY MUNICIPALITY THAT BIDS TO PROVIDE SERVICES IS EXEMPT FROM THE  
44 PERFORMANCE BOND PRESCRIBED BY SUBDIVISION (a) OF THIS PARAGRAPH.

1 (d) NOTHING IN THE REQUEST FOR PROPOSALS SHALL PRECLUDE A PRIVATE FIRE  
2 SERVICE PROVIDER FROM SUBMITTING AND BEING ELIGIBLE FOR A BID FOR THE  
3 PROPOSED SERVICES.

4 F. UNTIL FORMATION OF A COUNTY ISLAND FIRE DISTRICT IS CERTIFIED BY  
5 THE COUNTY BOARD OF SUPERVISORS, A CITY OR TOWN FIRE SERVICE PROVIDER IS NOT  
6 LIABLE FOR ANY FIRE PROTECTION SERVICES FOR ANY AREAS OUTSIDE OF THE CITY'S  
7 OR TOWN'S JURISDICTION AND A CITY OR TOWN HAS NO LEGAL OBLIGATION TO PROVIDE  
8 FIRE PROTECTION SERVICES TO RESIDENTS OF THE COUNTY WHO ARE NOT LOCATED  
9 WITHIN THE BOUNDARIES OF THE CITY OR TOWN.

10 G. NOTWITHSTANDING ANY OTHER LAW, A CITY OR TOWN IS LIABLE IF THE CITY  
11 OR TOWN IS GROSSLY NEGLIGENT IN PROVIDING FIRE OR EMERGENCY MEDICAL SERVICES  
12 TO A COUNTY ISLAND FIRE DISTRICT FORMED PURSUANT TO THIS SECTION. FOR  
13 PURPOSES OF TITLE 23, CHAPTER 6, FOR A CITY OR TOWN THAT PROVIDES FIRE OR  
14 EMERGENCY MEDICAL SERVICES TO A COUNTY ISLAND FIRE DISTRICT PURSUANT TO THIS  
15 SECTION, THE PROVIDERS OF THOSE SERVICES ARE ACTING WITHIN THE SCOPE OF THEIR  
16 DUTIES TO THE CITY OR TOWN WHILE PROVIDING THOSE SERVICES TO A COUNTY ISLAND  
17 FIRE DISTRICT AND THE CITY OR TOWN SHALL PROVIDE WORKERS' COMPENSATION  
18 COVERAGE TO THOSE PROVIDERS.

19 H. SUBSECTION E OF THIS SECTION DOES NOT APPLY TO AND A COUNTY ISLAND  
20 FIRE DISTRICT CANNOT BE FORMED TO INCLUDE REAL PROPERTY OWNED BY A PUBLIC  
21 SERVICE CORPORATION THAT IS REGULATED BY THE CORPORATION COMMISSION OR REAL  
22 PROPERTY OWNED BY A SPECIAL TAXING DISTRICT ORGANIZED PURSUANT TO TITLE 48,  
23 CHAPTER 17.

24 ~~E~~. I. The county attorney may advise and represent the district when  
25 in the county attorney's judgment such advice and representation are  
26 appropriate and not in conflict with the county attorney's duties under  
27 section 11-532. If the county attorney is unable to advise and represent the  
28 district due to a conflict of interest, the district may retain private legal  
29 counsel or may request the attorney general to represent it, or both.

30 Sec. 5. County island fire district formation; report; study  
31 committee

32 A. On or before December 1, 2009, a county island fire district formed  
33 pursuant to this act shall prepare a report on the fire district's activities  
34 in the preceding three years. The report shall include a comprehensive  
35 description of the costs paid and the services provided through the county  
36 island fire district to the residents of the county island fire district.  
37 The report shall be provided to the governor, the president of the senate,  
38 the speaker of the house of representatives and the director of the Arizona  
39 state library, archives and public records.

40 B. On or before December 1, 2011, the president of the senate and the  
41 speaker of the house of representatives shall appoint a joint legislative  
42 study committee to consider whether the statutory provisions for county  
43 island fire districts should be continued, repealed or otherwise modified.  
44 The joint legislative study committee shall report its findings in writing to

1 the president of the senate and the speaker of the house of representatives  
2 for consideration in the following legislative session.

3 Sec. 6. Legislative intent

4 The legislature intends by this act to encourage the appropriate  
5 provision of fire protection and emergency medical services, whether by a  
6 county island fire district, municipal annexation process or otherwise.

7 Sec. 7. Emergency

8 This act is an emergency measure that is necessary to preserve the  
9 public peace, health or safety and is operative immediately as provided by  
10 law.

APPROVED BY THE GOVERNOR FEBRUARY 13, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE FEBRUARY 13, 2006.

